

Appl. No. 10/631,124  
Response dated 02/28/06  
Reply to Office Action of 11/02/05

REMARKS

Claim 1 has been amended such that it is now directed to a rhombohedral lanthanide borate crystal made by a transport growth method. Antecedent basis for the subject matter added to claim 1 is found in the specification in the paragraph bridging pages 11 and 12 and in Example 4. Dependent claim 3 has been amended such that it is now directed to a particular composition for the seed crystal of the product by process of claim 1. Dependent claims 2 – 4 and 5 are as originally presented. Claims 6 and 7, previously withdrawn as being drawn to a nonelected invention, have been canceled. Claims 8 and 9 also have been canceled.

Claims 1 – 5, 8 and 9 have been rejected under 35 USC 103(a) as being unpatentable over Giesber, et al. "Spectroscopic properties of ... LaBO<sub>3</sub> and GdBO<sub>3</sub>." However, independent claim 1 has been amended such that it is now directed to a lanthanide borate crystal made by a transport growth method not disclosed or suggested in the Giesber, et al. reference. By such method crystals of consistent quality and desirable size are readily produced. Accordingly, it is requested that the Examiner reconsider and withdraw the present rejection.

Claims 1 – 5, 8 and 9 have been rejected under 35 USC §103(a) as being unpatentable over Kolis, "Getting back to bases: Hydrothermal synthesis as a route to lanthanide borates with useful deep US optoelectronic applications." The Examiner notes that Kolis suggests the present product as well as its process or making in the abstract and states that further information is needed as to exactly what was presented by the inventor/author at the ACS National Meeting in San Francisco. Clearly the abstracted

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presentation is problematic for the claims as previously written. However, the present claims were neither anticipated nor rendered obvious by the presentation as the subject matter of such claims, specifically rhombohedral lanthanide borate crystals made by the present claimed transport growth method, had been neither conceived nor reduced to practice by the present inventor/author as of the date of that ACS meeting. Instead, the prior art effect of the ACS presentation is essentially equivalent to the Giesber et al. references discussed above and below. If necessary a sworn affidavit to that effect can be submitted. Accordingly, it is requested that the Examiner reconsider and withdraw the present rejection.

Claims 1 – 5, 8 and 9 have been rejected under 35 USC §103(a) as being unpatentable over Giesber et al. “Hydrothermally grown borate single crystals for deep ultraviolet and nonlinear optical applications.” However, as with the Giesber et al. reference discussed above, the present reference fails to disclose or render obvious the present claimed product by process. Accordingly, it is requested that the Examiner reconsider and withdraw the present rejection.

Thus, it is submitted that the present case is in condition for allowance and such action is respectfully requested.

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